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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,859

01/09/2006

Andreas Lamkemeyer

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EXAMINER

TAWFIK, SAMEH

ART UNIT

PAPER NUMBER

3721

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/563,859	LAMKEMEYER, ANDREAS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sameh H. Tawfik	3721	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16, 17 and 21-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 16, 17, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boger et al. (U.S. Patent No. 4,687,137) in view of Miller (U.S. Patent No. 5,609,711) and further in view of Focke et al. (U.S. Patent No. 6,463,716).

Boger discloses the claimed invention, see for example Figs. 1, 2, 4, and 6; via adhesive chambers 107, discharge openings 60 with a diameter of at least 5mm, nozzle 40 and 52, valves 70, 72, 74, 76, and 80; application head 20; the gluing stations including glue outlets which can be fed selectively such that a format of the applied glue is defined by selection of the glue outlets, see for example (Figs. 1-6; via controlling dispensing valves 70, 72, 74, 76, 78, and 80); the glue feed including at least one chamber extends linearly in a spatial direction perpendicular to a transport direction of the bag, with a rectangular cross-section, through which at least one part of the valves is fed with the glue and at least one glue supplying line which extends to the application head, see for example (Figs. 4-6; via adhesive chamber 107) . It appears that Boger's adhesive dispensing apparatus is capable of dispensing whatever kind of glue as the claimed structure limitations been fully disclosed by Boger.

Boger does not disclose the use of starch glue. However, Miller discloses a similar device with the use of dispensing starch glue, see for example (Fig. 3; via adhesive applicator device 28).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Boger's device by dispensing starch glue, as suggested by Miller, in order to provide a starch adhesive system will minimize transfer of water to the plies of material being joined (column 4, lines 46-48).

Boger neither disclose the exact chamber's diameter of at least 5mm, 7mm, 10mm, and/or 15mm, nor a volume of the chamber has a ratio of at least 1.5 to a volume sum of all of the glue connections to and from the valves which are supplied with the glue from the chamber.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Boger's chamber's diameter to be 5mm, 7mm, 10mm, and/or 15mm, and a volume of the chamber has a ratio of at least 1.5 to a volume sum of all of the glue connections to and from the valves which are supplied with the glue from the chamber since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ (CCPA 1980).

Boger in view of Miller lack the teaching of having the glue chamber/head to be displaceable in a direction extending perpendicular to a transport direction of the bag and in a plane parallel to a plane in which the bag lies during transport. However, Focke discloses a similar device with the use of displaceable/moving glue dispensing, see for example (Figs. 1-8; via glue nozzle 14). Note, the exact movement/displacing to be in a direction extending perpendicular to a transport direction of the bag and in a plane parallel to a plane in which the

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bag lies during transport would be nothing more an engineering design choice to control the movement of the application head in specific/assigned directions, in order to assure fixed pattern of dispensing the glue to the bag.

Further, in the filed specification; page 5, lines 2 and 3; “the application head **can also be arranged** such that it can be displaced on the tube.” the claimed displacing of the application head on the tube is not the focus of the invention as been supported by the filed specification it can or can't be arranged to be displaced on the Tube.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Boger's glue head (head 20) to be displaceable/moveable along the glue supply line, as suggested by Focke, in order to improve the reliable operation of glue dispensing (column 1, lines 26-29). As to the exact movement/displacing to be in a direction extending perpendicular to a transport direction of the bag and in a plane parallel to a plane in which the bag lies during transport would be nothing more an engineering design choice to control the movement of the application head in specific/assigned directions, in order to assure fixed pattern of dispensing the glue to the bag.

Alternatively, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Boger's glue head to be displaceable/moveable along the glue supply line, since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art. In re Lindberg, 93 USPQ 23 (CCPA 1952).

Regarding claim 7: Boger discloses that two of the valves supplying the glue from the chamber are arranged in an overlapping manner, see for example (Figs. 4 and 5).

Regarding claims 22 and 23: Boger discloses that the glue supplying line includes boreholes or opening in a region of the application head (Figs. 1-4); Wherein the chamber is a borehole that is provided in the application head (Fig. 4; via chamber 107).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sameh H. Tawfik/  
Primary Examiner, Art Unit 3721